

REMARKS

The Office Action mailed April 2, 2009, has been received and its contents carefully noted. The pending claims, claims 1, 4, 5 and 24-32, were rejected. Entry of the amendment is respectfully requested, since the amendment would lessen the issues on appeal and does not introduce new matter. Claim 24 has been cancelled. The remaining claims specify the surface as being associated with an article, e.g. no Support may be found in the specification and the claims as originally filed. Consider especially pages 2, 4 and 12 and the working examples. The claims are more clearly drawn to composites, at least as it pertains to the hydrophilic surface areas. No statutory new matter has been added. Therefore, reconsideration and entry of the claims, as amended, are respectfully requested.

Rejection under 35 U.S.C. 103(a)

Claims 1, 4, 5 and 24-32 are rejected the claims under 35 U.S.C. 103(a) as being unpatentable over Soane et al. (US 2003/0013369) in view of the Handbook of Fillers- A Definitive User's Guide Applicants respectfully traverse.

It appears that the Examiner in rejecting the claims has focused on the apparent breadth of "surface" element. As amended, the claims are more clearly drawn to fibers, textiles and articles, e.g. molding, which have at least one hydrophilic surface comprising pyrogenic silica.

Soane et al is directed preparations useful for the permanent or substantially permanent treatment of textiles and other webs. There is no mention of imparting a hydrophilic character to a surface of an article to impart to it a hydrophilic character by introducing fumed hydrophilic silica particles having an average particle size of from 1 nm to 20 μm . Soane et al do employ "nanoparticles". These nanoparticles comprise a polymeric shell which surrounds a desired "payload". The particles are "textile-reactive", meaning that the particles form a strong bonds with the textile fiber. See paragraph [0005]. "Silica" is mentioned in the context of "particulate" sunblock agents (See paragraphs [0121]-[0142]) and colloidal pigments/reflectors (See paragraphs [0148]-[0152]). There is no mention of creating hydrophilic surfaces using pyrogenic silica.

The Handbook of Fillers- A Definitive User's Guide has also been considered. While it

mentions pyrogenic silica, it does not mention using pyrogenic silica to create a hydrophilic surface in the manner claimed. Further it is not seen why it would be combined with the primary reference. It does not deal with sunblocking agents or colloidal pigments/reflectors.

A prima facie case is not established. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1,4, 5 and 24-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soane et al. (US 2003/0013369 A1) in view of the Handbook of Fillers- A Definitive User's Guide as relied upon above to reject claims 1, 4, 5 and 24-34 and further in view of Henkel (WO 01/83662 A1). (The English equivalent (US 2004/0023824 A1 of the WO document is relied upon for this rejection.) Applicants respectfully traverse.

Soane et al. and the Handbook are discussed above. It is not seen how Henkel remedies their deficiencies.

Henkel et al teach the use of particles having a size of 5 to 500 nm to improve the removal of dirt and/or reduce the re-soiling of surfaces. There is no teaching of creating a hydrophilic surface in the manner claimed. A permanent bond between the silica and the textile fiber is not desired. It is not seen why its teaching would be combined with those of Soane et al. and the Handbook. Even it were, the deficiencies of Soane et al. and the Handbook, discussed above, would not be addressed.

A prima facie case has not been established. Withdrawal of the rejection is respectfully requested.

Request for Interview

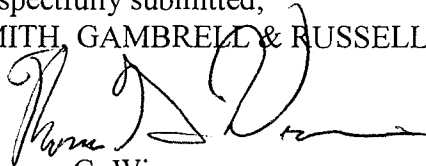
Applicants respectfully request either a telephonic or an in-person interview should there be any remaining issues.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Therefore, it is respectfully requested that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefor are hereby authorized to be charged to **Deposit Account No. 02-4300, Attorney Docket No. 032301.602 (39509.205611)**.

Respectfully submitted,
SMITH, GAMBRELL & RUSSELL, LLP



Thomas G. Wiseman
Reg. No. 35,046

Date: July 1, 2009

1130 Connecticut Ave., NW, #1130
Washington, D.C. 20036
Telephone: (202) 263-4300
Facsimile: (202) 263-4329

SGRDC\342266.1